

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:

Kathleen Leonard Case

Case No.: 15-21118-KCF

Judge: Ferguson

Chapter: 13

CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION

The debtor in this case opposes the following **(choose one)**:

1. ☐ Motion for Relief from the Automatic Stay filed by _____, creditor,

A hearing has been scheduled for _____, at _____.

☒ Motion to Dismiss filed by the Chapter 13 Trustee.

A hearing has been scheduled for October 24, 2018, at 9 am.

☐ Certification of Default filed by _____,

I am requesting a hearing be scheduled on this matter.

2. I oppose the above matter for the following reasons **(choose one)**:

☐ Payments have been made in the amount of \$ _____, but have not been accounted for. Documentation in support is attached.

☐ Payments have not been made for the following reasons and debtor proposes repayment as follows (**explain your answer**):

☒ Other (**explain your answer**):
See attached.

3. This certification is being made in an effort to resolve the issues raised in the certification of default or motion.

4. I certify under penalty of perjury that the above is true.

Date: 10-16-18

Kathleen Case
Debtor's Signature

Date: _____

Debtor's Signature

NOTES:

1. Under D.N.J. LBR 4001-1(b)(1), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 7 days before the date of the hearing if filed in opposition to a Motion for Relief from the Automatic Stay or Chapter 13 Trustee's Motion to Dismiss.
2. Under D.N.J. 4001-1 (b)(2), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 14 days after the filing of a Certification of Default.

**Attachment to Certification in Opposition
to Trustee's Motion to Dismiss**

Attached please find the report from the National Data center website. I run a bar in Trenton and I am making partial payments to the Trustee every month as indicated by the Report from the National Data Center website.

I am hopeful after the summer business will pick up and will allow me to resume full payments at \$2,909 per month and complete the Plan by the summer of 2020. I hope to have an additional good faith payment to the Trustee prior to the October 24, 2018 Hearing.

I sent \$1,400 to the Trustee by regular mail on October 4, 2018. I should have another payment of approximately \$2,000 to the Trustee. Unfortunately, I did not receive my social security check until the 4th Wednesday of the month and therefore I can not make the additional \$2,000 payment until the October 24, 2018 hearing.

I am also scheduled to meet with my accountant on October 10, 2018 to prepare my 2017 tax returns that are on extension. I am hopeful that I may be receiving an income tax refund that I could devote to the Trustee to supplement plan payments.

I am optimistic about the ability to maintain payments in the future. April to the middle of September are traditionally a very slow time period for us. In our geographic area there are other local bars that experienced this slow summer. Additionally, because of the recent violence in Trenton many customers leave by 8pm. On Sunday afternoon we provide food and snacks to attempt to capture the football watching market. Other things that we have tried is to have birthday parties and Friday night karaoke, as well as, seasonal events such as a Halloween party.

The business has maintained current payments on taxes to the IRS and State of New Jersey, PSE&G, first mortgage to M&T Bank, the second mortgage to Ethel Snyder and all insurances that remain in place.

I am using my husband's social security and his pension to maintain Trustee and mortgage payments and pay business expenses. Once we complete Trustee payments in 2020 we will have a viable business with tax debt satisfied, first mortgage brought current, and the second mortgage released. I am putting in 70-80 hours per week towards saving my deceased husband's business.



NATIONAL DATA CENTER

Case Number 1521118**Debtor Information****Debtor 1** Kathleen Leonard Case**Debtor 2****Trustee Information****Trustee** Albert Russo**Status****Data Last Updated** Sep 24, 2018**Total Paid into Plan** \$46,498.75**Petition Filed on** Jun 12, 2015**Debtor's Latest Payments****MONEY ORDER** \$615.00 09/07/2018**MONEY ORDER** \$613.00 08/07/2018**MONEY ORDER** \$700.00 07/17/2018**CASE INFORMATION**

Case Number 1521118
 Case Status Confirmed
 NDC Case Status Active-Open
 Balance on Hand \$1,148.18
 Last Receipt Date 09/07/2018
 Last Receipt Amount \$615.00
 Last Disbursement Date 09/07/2018
 Plan Base \$123,694.75
 Total Paid into Plan \$46,498.75
 Total Paid to all Parties \$45,350.57

Date Petition Filed 06/12/2015
 Plan Filed Date 10/31/2017
 First 341 Meeting Date 07/16/2015
 Date Case Confirmed 04/13/2016
 Date Case Closed

Additional Parties In Interest**TRUSTEE INFORMATION**

Trustee Name Albert Russo
Amount Paid to Date \$2,791.32

JUDGE/ATTORNEY INFORMATION

Judge Name Kathryn C. Ferguson
Attorney Name Allen I. Gorski, Esq.
Attorney Fee in Plan
Attorney Paid to Date
Attorney Fee Paid Outside Plan

DEBTOR INFORMATION

Debtor 1	Debtor 2
Debtor Name Kathleen Leonard Case	Debtor Name
Direct Payment Amt \$2,909.00	Direct Payment Amt
Direct Payment Frequency MONTHLY	Direct Payment Frequency
Payroll Deduction Amt	Payroll Deduction Amt
Payroll Deduction Frequency	Payroll Deduction Frequency

PLAN STEPS**COURT DOCKET**

9/25/2018

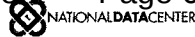
Case 15-21118-KCF Doc 73 Filed 10/17/18 Entered 10/17/18 14:51:16 Desc Main

Document Page 5 of 8

START DATE	DEBTOR NAME	PAYMENT AMOUNT	PAYMENT FREQUENCY	NUMBER OF PAY PERIODS	PAYING TYPE	PAYEE TYPE
07/01/2015	KATHLEEN LEONARD CASE	\$750.00	MONTHLY	10		DEBTOR1
05/01/2016	KATHLEEN LEONARD CASE	\$1,337.00	MONTHLY	10		DEBTOR1
03/01/2017	KATHLEEN LEONARD CASE	\$2,000.00	MONTHLY	1		DEBTOR1
03/01/2017	KATHLEEN LEONARD CASE	\$1,591.00	MONTHLY	3		DEBTOR1
06/01/2017	KATHLEEN LEONARD CASE	\$1,761.00	MONTHLY	7		DEBTOR1
01/01/2018	KATHLEEN LEONARD CASE	\$2,909.00	MONTHLY			DEBTOR1

Claim Summary

Document Page 6 of 8



Case 1521118 Debtor1 KATHLEEN LEONARD CASE Trustee RUSSO, ALBERT (ROBBINSVILLE, NJ)

CLAIM NUMBER	CREDITOR NAME	CLAIM DESCRIPTION	CLAIM AMOUNT	SCHEDULED AMOUNT	INTEREST PAID	PRINCIPAL P AID ▼	PRINCIPAL OWED	MONTHLY PAYMENT
11	M&T BANK	MORTGAGE ARREARAGE S - SECURED	\$28,922.82	\$143,800.51	\$0.00	\$10,903.58	\$18,019.24	\$0.00
13	M&T BANK	MORTGAGE ARREARAGE S - SECURED	\$34,088.16	\$0.00	\$0.00	\$9,445.17	\$24,642.99	\$0.00
0	ALLEN I. GORSKI, ESQ.	PRIOR ATTORNEY	\$7,186.36	\$7,186.36	\$0.00	\$7,186.36	\$0.00	\$0.00
0	ALLEN I. GORSKI, ESQ.	ATTORNEY FEE	\$5,782.70	\$5,782.70	\$0.00	\$5,782.70	\$0.00	\$0.00
0	ALLEN I. GORSKI, ESQ.	PRIOR ATTORNEY	\$4,450.33	\$4,450.33	\$0.00	\$4,450.33	\$0.00	\$0.00
0	ALLEN I. GORSKI, ESQ.	PRIOR ATTORNEY	\$2,243.00	\$2,243.00	\$0.00	\$2,243.00	\$0.00	\$0.00
12	ETHEL SNYDER	MORTGAGE ARREARAGE S - SECURED	\$5,000.00	\$48,000.00	\$0.00	\$1,884.94	\$3,115.06	\$0.00
14	M&T BANK	MORTGAGE ARREARAGE S - SECURED	\$531.00	\$0.00	\$0.00	\$531.00	\$0.00	\$0.00
3	NJ DIVISION OF TAXATION	ALL OTHER SECURED DE BT - SECURED	\$132.17	\$0.00	\$0.00	\$132.17	\$0.00	\$0.00
0		DEBTOR REFUND	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1	INTERNAL REVENUE SERVICE	ALL OTHER PRIORITY DE BT - PRIORITY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
10	ETHEL SNYDER	UNSECURED CREDITORS	\$65,938.03	\$0.00	\$0.00	\$0.00	\$65,938.03	\$0.00
2	GINNYS	UNSECURED CREDITORS	\$304.62	\$304.00	\$0.00	\$0.00	\$304.62	\$0.00
4	NJ DIVISION OF TAXATION	ALL OTHER PRIORITY DE BT - PRIORITY	\$19,325.41	\$0.00	\$0.00	\$0.00	\$19,325.41	\$0.00
5	NJ DIVISION OF TAXATION	UNSECURED CREDITORS	\$553.00	\$0.00	\$0.00	\$0.00	\$553.00	\$0.00
6	JEFFERSON CAPITAL SYSTEMS, LLC	UNSECURED CREDITORS	\$351.76	\$352.00	\$0.00	\$0.00	\$351.76	\$0.00
7	JEFFERSON CAPITAL SYSTEMS, LLC	UNSECURED CREDITORS	\$126.31	\$126.00	\$0.00	\$0.00	\$126.31	\$0.00
8	JEFFERSON CAPITAL SYSTEMS, LLC	UNSECURED CREDITORS	\$477.93	\$478.00	\$0.00	\$0.00	\$477.93	\$0.00
9	ETHEL SNYDER	MORTGAGE ARREARAGE S - SECURED	\$0.00	\$48,000.00	\$0.00	\$0.00	\$0.00	\$0.00

Account Ledger



Case 1521118 Debtor1 KATHLEEN LEONARD CASE Trustee RUSSO, ALBERT (ROBBINSVILLE, NJ)

Filter By All Claims

All Payees

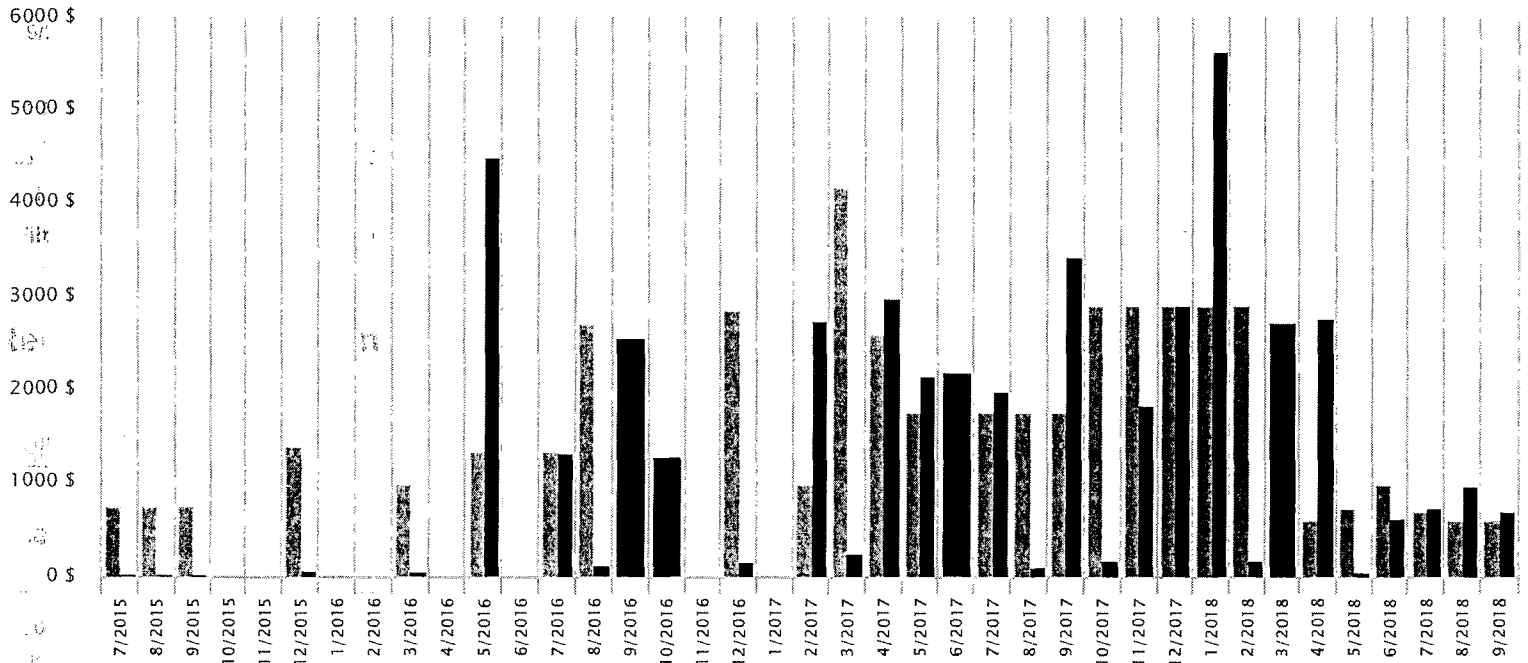
All Transactions

All Time

Receipts & Disbursements

RECEIPTS

DISBURSEMENTS



DATE PAID ▼	CLAIM NUMB ER	CHECK NUMB ER	NAME OF PARTY	DESCRIPTION	AMOUNT
09/07/2018			ALBERT RUSSO	TRUSTEE FEE - PLAN RECEIPT	-\$39.98
09/07/2018			N/A	MONEY ORDER (108185544566)	\$615.00
09/05/2018	<u>11</u>	2375834	M&T BANK	PRINCIPAL (SYSTEM CHECK)	-\$257.63
09/05/2018	<u>13</u>	2375834	M&T BANK	PRINCIPAL (SYSTEM CHECK)	-\$352.34
09/05/2018	<u>12</u>	2375552	ETHEL SNYDER	PRINCIPAL (SYSTEM CHECK)	-\$44.54
08/07/2018			ALBERT RUSSO	TRUSTEE FEE - PLAN RECEIPT	-\$39.84
08/07/2018			N/A	MONEY ORDER (108185534259)	\$613.00
08/01/2018	<u>12</u>	2373525	ETHEL SNYDER	PRINCIPAL (SYSTEM CHECK)	-\$63.62
08/01/2018	<u>13</u>	2373756	M&T BANK	PRINCIPAL (SYSTEM CHECK)	-\$503.33
08/01/2018	<u>11</u>	2373756	M&T BANK	PRINCIPAL (SYSTEM CHECK)	-\$368.04
07/17/2018			ALBERT RUSSO	TRUSTEE FEE - PLAN RECEIPT	-\$45.50
07/17/2018			N/A	MONEY ORDER (108185531872)	\$700.00
07/05/2018	<u>11</u>	2371746	M&T BANK	PRINCIPAL (SYSTEM CHECK)	-\$268.67

DATE PAID ▼	CLAIM NUMB ER	CHECK NUMB ER	NAME OF PARTY	DESCRIPTION	AMOUNT
07/05/2018	<u>13</u>	2371746	M&T BANK	PRINCIPAL (SYSTEM CHECK)	-\$367.43
07/05/2018	<u>12</u>	2371466	ETHEL SNYDER	PRINCIPAL (SYSTEM CHECK)	-\$46.45
06/28/2018			ALBERT RUSSO	TRUSTEE FEE - PLAN RECEIPT	-\$65.00
06/28/2018			N/A	MONEY ORDER (108185555588)	\$1000.00
06/04/2018			ALBERT RUSSO	TRUSTEE FEE - DISBURSEMENT	\$0.01
06/04/2018	<u>12</u>	2369203	ETHEL SNYDER	PRINCIPAL (SYSTEM CHECK)	-\$38.18
06/04/2018	<u>13</u>	2369497	M&T BANK	PRINCIPAL (SYSTEM CHECK)	-\$302.00
06/04/2018	<u>11</u>	2369497	M&T BANK	PRINCIPAL (SYSTEM CHECK)	-\$220.83
05/29/2018			ALBERT RUSSO	TRUSTEE FEE - PLAN RECEIPT	-\$47.45
05/29/2018			N/A	MONEY ORDER (107899531509)	\$730.00
04/30/2018			N/A	MONEY ORDER (107899498399)	\$600.00
04/30/2018			ALBERT RUSSO	TRUSTEE FEE - PLAN RECEIPT	-\$39.00
04/02/2018	<u>11</u>	2365285	M&T BANK	PRINCIPAL (SYSTEM CHECK)	-\$1070.27
04/02/2018	<u>13</u>	2365285	M&T BANK	PRINCIPAL (SYSTEM CHECK)	-\$1463.69
04/02/2018	<u>12</u>	2365029	ETHEL SNYDER	PRINCIPAL (SYSTEM CHECK)	-\$185.02
03/05/2018	<u>12</u>	2362674	ETHEL SNYDER	PRINCIPAL (SYSTEM CHECK)	-\$185.02
03/05/2018	<u>13</u>	2362973	M&T BANK	PRINCIPAL (SYSTEM CHECK)	-\$1463.70
03/05/2018	<u>11</u>	2362973	M&T BANK	PRINCIPAL (SYSTEM CHECK)	-\$1070.27
02/12/2018			ALBERT RUSSO	TRUSTEE FEE - PLAN RECEIPT	-\$65.00
02/12/2018			ALBERT RUSSO	TRUSTEE FEE - PLAN RECEIPT	-\$65.00
02/12/2018			ALBERT RUSSO	TRUSTEE FEE - PLAN RECEIPT	-\$59.02
02/12/2018			N/A	MONEY ORDER (107899512809)	\$1000.00
02/12/2018			N/A	MONEY ORDER (107899512810)	\$1000.00
02/12/2018			N/A	MONEY ORDER (107899512820)	\$908.00
01/09/2018			N/A	MONEY ORDER (107899523303)	\$908.00
01/09/2018			N/A	MONEY ORDER (107899523281)	\$1000.00
01/09/2018			N/A	MONEY ORDER (107899523292)	\$1000.00
01/09/2018			ALBERT RUSSO	TRUSTEE FEE - PLAN RECEIPT	-\$59.02
01/09/2018			ALBERT RUSSO	TRUSTEE FEE - PLAN RECEIPT	-\$65.00
01/09/2018			ALBERT RUSSO	TRUSTEE FEE - PLAN RECEIPT	-\$65.00
01/05/2018	<u>11</u>	2359049	M&T BANK	PRINCIPAL (SYSTEM CHECK)	-\$2140.81
01/05/2018	<u>13</u>	2359049	M&T BANK	PRINCIPAL (SYSTEM CHECK)	-\$2927.76